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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,410	05/19/2000	Marc David Abrahams	66181	1007
22242	7590	09/09/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			JACKSON, JENISE E	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/575,410	ABRAHAMS, MARC DAVID
Examiner	Art Unit	
Jenise E Jackson	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried in view of Lin et al. and further in view of Price-Francis.

3. As per claims 1, 8-9, 11, 20, Gottfried discloses a method of on-line authentication(see fig. 5 and 6, sheet 4, col. 8, lines 60-67), receiving through a computer network a communication indicating that authentication is needed(see fig. 5 and 6, sheet 4, col. 3, lines 26-37); sending through the computer network one request for entry of the selected fingerprint(see col. 3, lines 26-37, col. 9, lines 9-10); receiving fingerprint data through the computer network in response to the one request for entry of the selected fingerprint(see col. 3, lines 26-37, col. 9, lines 18-20); and comparing the received fingerprint data to fingerprint data stored in a database(see col. 3, lines 50-53, col. 9, lines 18-28).

Gottfried discloses that one/single fingerprint is requested for authentication(see col. 3, lines 26-37), not fingerprints as claimed. More specifically, Gottfried does not disclose obtaining a first number that indicates how many fingerprints will be requested for authentication, and Gottfried does not disclose randomly selecting which fingerprints will be requested, nor discloses using a fingerprint scheme designated by the user. Lin et al. discloses a fingerprint scheme designated by the user(see col. 3, lines 33-36, col. 4, lines 27-30). It would have been obvious to combine

Gottfried with Lin et al. because both deal with authenticating a user by using fingerprint biometrics, the motivation to include a fingerprint scheme designated by the user is that is establishes an additional security parameter(see col. 3, lines 33-36 of Lin et al.). Lin discloses a secret fingerprint entering sequence(i.e. numbering), that allows the user to program the fingerprint entering sequence(i.e. numbering)(see col. 3, lines 30-36). Lin discloses that the user can choose, which numbering sequence(see fig. 1, sheet 1). Lin discloses an example of the user choosing L1, R1, L1(see col. 4, lines 27-30). Thus, the user can choose any fingerprint numbering sequence of Lin et al.

4. Gottfried nor Lin et al. discloses randomly selecting which fingerprints will be requested, or obtaining a first number that indicates how many fingerprints will be requested for authentication. However, Price-Francis discloses obtaining a first number that indicates how many fingerprints will be requested for authentication (see col.4, lines 58-59 of Price-Francis), and discloses randomly selecting which fingerprints will be requested (see col. 5, lines 38-40).

5. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Gottfried with Lin et al. with Price-Francis, because all three deal with authenticating a user by using fingerprint biometrics, the motivation to include Price-Francis method of randomly selecting which fingerprints will be requested, and obtaining a first number that indicates how many fingerprints will be requested for authentication, with Gottfried and Lin et al, is that false rejections are very common on the single fingerprint identification systems(see col. 2, lines 3-4 of Price-Francis), and including the limitations in Price-Francis(see above) with Gottfried and Lin et al. provides more accuracy of the system because more than one fingerprint

is measured(see col. 1, lines 66-67, col. 2, lines 1-3 of Price-Francis), and the random nature of request impedes criminal activity(see col. 5, lines 37-40 of Price-Francis).

6. As per claim 2, Price-Francis discloses randomly selecting the first number(see col. 4, lines 50-61), the motivation is the random nature impedes criminal activity (see col. 5, lines 37-40 of Price-Francis).

7. As per claim 3, same motivation applies above(see claim 1); Price-Francis discloses retrieving the first number from the database(see col. 4, lines 50-61, col. 6, lines 35-39).

8. As per claim 4, Price-Francis discloses wherein the first number is equal to or less than a total number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61), the motivation is provides more accuracy of the system because more than one fingerprint is measured(see col. 1, lines 66-67, col. 2, lines 1-3 of Price-Francis).

9. As per claim 5, Price-Francis discloses randomly selecting fingerprints from a total number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61, col. 5, lines 5-10), motivation random nature of request impedes criminal activity(see col. 5, lines 37-40 of Price-Francis).

10. As per claim 6, Gottfried discloses detecting through the computer network whether a client computer has a fingerprint reader(20)(see fig. 3, sheet 2).

11. As per claim 7, same motivation applies above, see claim 1, Price-Francis discloses receiving set-up data for a particular user; and storing the received set-up data in the database(see col. 4, lines 50-61).

12. As per claim 8, same motivation applies see above(claim 1), limitations have already been addressed(see claim 1 above). Also, claim 8, discloses assigning a number to each entered

fingerprint that is consistent with a number intended by a user who entered the fingerprints, the Examiner asserts that Price-Francis inherently discloses this because Price-Francis discloses that more than one fingerprint can be assigned to a user(see col. 4, lines 50-61), and that the fingerprints requested are randomly chosen(see col. 5, lines 21-26).

13. As per claim 10, same motivation applies see above(claim 1), Price-Francis discloses wherein the first number is greater than or equal to zero and less than or equal to the total number(see col. 4, lines 50-61).

14. As per claims 12-13, Gottfried, Lin et al., nor Price-Francis do not disclose more specifically that if a fingerprint reader is not enabled on a network, that a username and password should be used for authentication. However, the Examiner takes Official Notice that it is well-known in the art of access control that if biometrics, and more specifically that if a fingerprint reader is not enabled on a network, that a username and password should be used for authentication, the motivation is that if one access control method is unavailable, that another access control method such as username and password should be available because it allows one to be authenticated such that it prevents unauthorized users from obtaining access to the network.

15. As per claim 14, limitations have already addressed(see claim 1, 7).

16. As per claim 15, rejected under same limitations as claim 2.

17. As per claim 16, rejected under the same limitations as claim 3.

18. As per claim 17, rejected under same limitations as claim 4.

19. As per claim 18, rejected under the same limitations as claim 7.

20. As per claim 19, Price-Francis discloses configured to send through the computer network a request for a total number that indicates how many fingerprints to hold for authentication (see col. 4, lines 50-61).

21. As per claim 21, rejected under the same limitations as claim 8.

22. As per claims 22-24, Gottfried, Lin et al., nor Price-Francis, Lin discloses that more than ten fingerprints stored by the user(see col. 4, lines 46-53), the motivation is that the system of Lin allows multiple users access(see col. 4, lines 41-42).

### **Response to Amendment**

23. The Applicant states that the user of Lin et al.(6,393, 139) does not disclose a fingerprint numbering scheme. Lin et al. does disclose this, because Lin discloses a secret fingerprint entering sequence(i.e. numbering), that allows the user to program the fingerprint entering sequence(i.e. numbering)(see col. 3, lines 30-36). Lin discloses that the user can choose, which numbering sequence(see fig. 1, sheet 1). Lin discloses an example of the user choosing L1, R1, L1(see col. 4, lines 27-30). Thus, the user can choose any fingerprint numbering sequence of Lin et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The Examiner, Jenise Jackson, is tentatively moving to a new office in Alexandria. This move will take place on October 21, 2004. Subsequently, the Examiner's phone number will change from (703) 306-0426 to (512) 272-3791.

AO

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August 31, 2004

  
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